

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Group Art Unit: 2144
Edward Eytchison et al.	)	Examiner: Cloud, Joiya M.
Serial No.: 10/763,868	)	
Filed: January 22, 2004	)	<b>APPEAL BRIEF</b>
For: <b>METHODS AND APPARATUSES FOR STREAMING CONTENT</b>	)	162 North Wolfe Road Sunnyvale, California 94086 (408) 530-9700
	)	Customer No. 28960

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Sir:

In furtherance of the Applicants' Notice of Appeal filed on May 2, 2011, this Appeal Brief is submitted. This Appeal Brief is submitted in support of the Applicants' Notice of Appeal, and further pursuant to the rejection mailed on February 2, 2011, in which Claims 1-27 were rejected. The Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences in compliance with the requirements of 37 C.F.R. § 41.37, as stated in *Rules of Practice Before the Board of Patent Appeals and Interferences (Final Rule)*, 69 Fed. Reg. 49959 (August 12, 2004). The Applicants contend that the rejections of Claims 1-27 in this proceeding are in error, were previously overcome and are overcome again by this appeal.

**I. REAL PARTIES IN INTEREST**

As the assignee of the entire right, title, and interest in the above-captioned patent application, the real parties in interest in this appeal, is:

Sony Corporation, a Japanese corporation  
6-7-35 Kitashinagawa, Shinagawa  
Tokyo, 141  
Japan

Sony Electronics Inc., a corporation of the State of Delaware  
1 Sony Drive  
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per the assignment document filed on January 22, 2004.

**II. RELATED APPEALS AND INTERFERENCES**

The Applicants are not aware of any other appeals or interferences related to the present application.

**III. STATUS OF THE CLAIMS**

Claims 1-27 are involved in the appeal. Claims 1-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated in view of U.S. Patent Publ. No. 2006/0155400 to Loomis ("Loomis," a copy of which is attached as Exhibit A).

**IV. STATUS OF THE AMENDMENTS FILED AFTER FINAL REJECTION**

No amendments to the claims have been filed after the Office Action mailed on February 2, 2011.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

The invention disclosed in the present application number 10/763,868 is directed to methods and apparatuses for streaming content. The content is presented such that a delay time between requesting the content and utilizing the content is minimized. The identity of the user is detected and a preference is identified corresponding to the user. A content item is then selected based on the preference and an initial portion of the content is pre-fetched and stored in a temporary storage cache. When a request is received for the content item, the initial portion is streamed from the temporary storage cache to a stream synchronizer, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to an entire segment of the content item.

The elements of Claim 1, directed to one embodiment of the present invention, are described in the Specification at page 20, line 1 through page 22, line 8 and accompanying Figure 7. The method comprises identifying (710, 720) a preference, selecting (740) a content item based on the preference, storing (760) an initial portion of the content item in a temporary storage cache, receiving (740) a request for the content item, streaming (770) the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing (770) a resultant stream using the initial portion of the content item and seamlessly transitioning (770) the resultant stream from the initial portion of the content item to the entire content item.

The elements of Claim 11, directed to one embodiment of the present invention, are described in the Specification at page 8, line 22 through page 11, line 11 and accompanying Figure 3. The system comprises means for identifying (325) a preference, means for selecting (325) a content item based on the preference, means for storing (330) an initial portion of the content item in a temporary storage cache, means for receiving (335) a request for the content item, means for streaming (335) the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, means for producing (340) a resultant stream using the initial portion of the content item and means for seamlessly transitioning (340) the resultant stream from the initial portion of the content item to the entire content item.

Means for identifying referred to in the specification as a preference data model (325) is shown in Figure 3. The preference data module (325) contains preferences and usage patterns that are unique to the particular user of the client device (320). [Present Specification, page 9, line 19 through page 10, line 2]

Means for selecting referred to in the specification as a preference data model (325) is shown in Figure 3. The selected audio/visual content is chosen based on the preference data module (325) and the play lists associated with a corresponding user. [Present Specification, page 10, lines 3-12]

Means for storing referred to in the specification as a temporary storage cache (330) is shown in Figure 3. The temporary storage cache (330) is configured to temporarily store an initial portion of selected audio/visual content. [Present Specification, page 10, lines 3-12]

Means for receiving referred to in the specification as a stream buffer (335) is shown in Figure 3. An audio/visual content item is requested by the user. In response to this request, the requested audio/visual content item is streamed through the stream buffer (335) from the media server 310. [Present Specification, page 10, lines 16-20]

Means for streaming referred to in the specification as a stream buffer (335) is shown in Figure 3. The stream buffer (335) serially streams an entire audio/visual content item. In response to this request, the requested audio/visual content item is streamed through the stream buffer 335 from the media server 310. [Present Specification, page 10, lines 16-20]

Means for producing referred to in the specification as a stream synchronizer (340) is shown in Figure 3. The stream synchronizer (340) coordinates the entire stream of audio/visual content from the stream buffer (335) and the initial portion of the audio/visual content from the temporary storage cache (330). [Present Specification, page 10, line 21, lines 16-20]

Means for seamlessly transitioning referred to in the specification as a stream synchronizer (340) is shown in Figure 3. The stream synchronizer (340) seamlessly transitions from the initial portion to the entire stream and simultaneously produces a resultant audio/visual stream that mirrors the entire stream and is without interruptions. [Present Specification, page 11, lines 5-11]

The elements of Claim 12, directed to one embodiment of the present invention, are described in the Specification at page 20, line 1 through page 22, line 8 and accompanying Figure 7. The method comprises storing (760) an initial portion of a selected content item in a temporary storage cache, streaming (770) the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, simultaneously loading (770) an entire selected content item to the stream synchronizer while streaming the initial portion, producing (770) a resultant stream comprising the initial portion of the selected content item and seamlessly transitioning (770) the resultant stream from the initial portion of the content item to the entire content item.

The elements of Claim 19, directed to one embodiment of the present invention, are described in the Specification at page 8, line 22 through page 11, line 11 and accompanying Figure 3. The system comprises means for storing (330) an initial portion of a selected content item in a temporary storage cache, means for streaming (335) the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, means for simultaneously loading (340) an entire selected content item to the stream synchronizer while streaming the initial portion, means for producing (340) a resultant stream comprising the initial portion of the selected content item and means for seamlessly transitioning (340) the resultant stream from the initial portion of the content item to the entire content item.

Means for storing referred to in the specification as a temporary storage cache (330) is shown in Figure 3. The temporary storage cache (330) is configured to temporarily store an initial portion of selected audio/visual content. [Present Specification, page 10, lines 3-12]

Means for streaming referred to in the specification as a stream buffer (335) is shown in Figure 3. The stream buffer (335) serially streams an entire audio/visual content item. In response to this request, the requested audio/visual content item is streamed through the stream buffer 335 from the media server 310. [Present Specification, page 10, lines 16-20]

Means for simultaneously loading referred to in the specification as a stream synchronizer (340) is shown in Figure 3. The stream synchronizer (340) simultaneously produces a resultant audio/visual stream that mirrors the entire stream and is without interruptions. [Present Specification, page 11, lines 5-11]

Means for producing referred to in the specification as a stream synchronizer (340) is shown in Figure 3. The stream synchronizer (340) coordinates the entire stream of audio/visual content from the stream buffer (335) and the initial portion of the audio/visual content from the temporary storage cache (330). [Present Specification, page 10, line 21, lines 16-20]

Means for seamlessly transitioning referred to in the specification as a stream synchronizer (340) is shown in Figure 3. The stream synchronizer (340) seamlessly transitions from the initial portion to the entire stream and simultaneously produces a resultant audio/visual stream that mirrors the entire stream and is without interruptions. [Present Specification, page 11, lines 5-11]

The elements of Claim 20, directed to one embodiment of the present invention, are described in the Specification at page 8, line 22 through page 11, line 11 and accompanying Figure 3. The system comprises a media server (310) configured for storing an entire content, a client device (320) configured for storing an initial portion of the content wherein the client

device is configured to display the content by streaming a resultant stream from the initial portion of the content while simultaneously receiving the entire content and seamlessly substituting the entire content for the initial portion using a stream synchronizer.

The elements of Claim 27, directed to one embodiment of the present invention, are described in the Specification at page 16, line 17 through page 17, line 3; page 20, line 1 through page 22, line 8 and accompanying Figures 5 and 7. The method comprises identifying (710) a user; identifying (710, 720) a preference, generating (730) a content list using the preference and the user, selecting (740) a content item from the content list based on the preference, wherein the content item is a data file having a defined beginning point and ending point, prefetching (710, 720) an initial portion of the content item, storing (760) the initial portion of the content item in a temporary storage cache, receiving (740) a request for the content item, streaming (770) the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing (770) a resultant stream output from the stream synchronizer using the initial portion of the content item, streaming (770) an entire content item to the stream synchronizer via a stream buffer while the initial portion of the content item is streaming to the stream synchronizer from the temporary storage cache, synchronizing (770) the streaming initial portion of the content item and the streaming entire content item within the stream synchronizer and seamlessly transitioning (770) the resultant stream from the initial portion of the content item to the entire content item before the initial portion ends.

## **VI. GROUND OF REJECTION AND OTHER MATTERS TO BE REVIEWED ON APPEAL**

The following issues are presented in this Appeal Brief for review by the Board of Patent Appeals and Interferences:

1. Whether Claims 1-27 are properly rejected under 35 U.S.C. § 102(e) as being anticipated by Loomis.

## **VII. ARGUMENT**

### *Grounds for Rejection*

Within the Office Action, Claims 1-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Loomis.

*Outline of Arguments*

In the discussion that follows, the Applicants discuss the teachings of Loomis. As will be discussed in detail below, Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item.

1. Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item.

Loomis teaches an Internet based personalized radio, where a user has a pre-selected list of songs to be played in a particular order. Loomis also teaches pre-buffering the first ten seconds of each of the next several songs on the list so that, should the user choose to skip to any of the next several songs, the pre-buffered ten seconds of the target song is already available to be played. Loomis discloses a computer 120 for running an Internet Radio Client Application 109. A buffer 211 is used to store a pre-buffered portion of a number of songs on a user's playlist. An initial buffering time 210 is needed to load the pre-buffered portion of a first song. The pre-buffered portion is only a portion of the song (10 seconds worth as disclosed in Loomis), not the entire song. When a user requests a song that has been pre-buffered, the system starts reading the pre-buffered portion (first 10 seconds of the song S\_5 for example) from the buffer 211 [Loomis, ¶ 0047]. At the same time, the application 109 asks the server to transmit "the rest of S\_5 to the buffer" [Loomis, ¶ 0047]. Once the pre-buffered portion is read from the buffer 211, "a sufficient part of the rest of S\_5 is already there [buffer] and is ready to be read" [Loomis, ¶ 0047]. Paragraph 0065 of Loomis further specifies that the "rest of the target song" is downloaded, not the entire song. Loomis clearly teaches that the entire song S\_5 is not streamed separately from the already pre-buffered portion, only the "rest of" the requested song is streamed. Loomis does not teach that *the entire content*, not just the remaining portion of the content item, is streamed to the buffer (see at least Claim 27). Loomis teaches adding the remaining portion of the song to the already pre-fetched and pre-buffered portion of the song. Loomis does not teach transitioning from a pre-buffered portion of the content item to an entire content item.

Within the Office Action of February 2, 2011 in the Response to Arguments section, a comparison was made between one aspect of the Present Specification and Loomis. Specifically, the comparison included a paragraph of the Present Specification which states, there is a seamless transition from "the initial portion of the content to the entire segment of the content."

[Office Action, Page 2 citing Present Specification, Page 3] This cited section of the Present Specification was then compared with “the buffered portion” as taught within Loomis in paragraphs 67 through 69. [Office Action, Page 3] Then, it was concluded that “the buffered portion” teaches the claim limitation of “the entire content” or “the entire content item.” [Office Action, Page 3]

First of all, the exact, applicable language of Loomis in paragraphs 67 through 69 is “*rest of the target song.*” (Emphasis added) [Loomis, ¶ 68] Therefore, Loomis is unambiguous about what is played after the pre-cached portion ends. The “rest of the target song” is clearly not the “entire” content item. Rather, the “rest of the target song” is the entire content item minus the pre-cached portion in Loomis.

The claim language presently reads, for example, “entire content item.” Support for this limitation is able to be found throughout the Present Specification. Figure 7 of the Present Specification, box 770, says, “Complete Stream.” Further, the Present Specification, on page 10, line 21 through page 11, line 4, states, “the stream synchronizer 340 coordinates the entire stream of audio/visual content from the stream buffer 335 and the initial portion of the audio/visual content...” Therefore, it is quite clear that the claims include a seamless transition from the initial portion to the “entire content item.” This is clearly different than the “rest of the target song” as taught by Loomis.

Furthermore, Loomis explicitly teaches away from streaming the entire content item. Loomis teaches:

This solution is advantageous because ten seconds of pre-buffering complies with various royalty requirements such that if the user skips before the ten seconds pre-buffered portion is played, a royalty is not accessed for listening to the song. In addition, avoiding of downloading the entire next song conserves bandwidth and memory. [Loomis, ¶ 84]

It is clearly stated within the MPEP that, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” MPEP 2141.03(VI) citing *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983) As described above, Loomis teaches away from transitioning from an initial portion to an entire content item. Thus, Loomis teaches away from the claimed invention.

Additionally, Loomis does not teach seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item *before* the initial portion ends (see at least Claim 27). Rather, Loomis teaches, “by the time the reader finishes reading the



pre-buffered ten seconds of S\_5, a sufficient part of the rest of S\_5 is already there and is ready to be read. Therefore, there is no interruption between the first ten seconds of S\_5 and the rest of S\_5.” [Loomis, ¶ 0047] Loomis also teaches, “when the playing of the pre-cached portion ends, immediately play the rest of the target song which is being downloaded from the server over the Internet.” Therefore, Loomis waits until the first part of the song is finished before beginning the rest of S\_5. Contrastingly, the presently claimed invention, seamlessly transitions the resultant stream from the initial portion of the content item to the entire content item before the initial portion ends. The presently claimed invention is better able to handle potential issues by not waiting until the initial portion is finished.

Within the Advisory Action, it has been stated that, “Figure 3a demonstrates the synchronizing of an initial portion with a complete stream.” [Advisory Action, Page 1] Again, there is confusion within the Advisory Action. Figure 3a of Loomis does not show synchronizing of an initial portion with a complete stream. Item 210 in Figure 3a is defined as the initial buffering time between  $t_0$  and  $t_1$ . Then,  $t_1$  through the rest of the song S\_1 is merely the rest of the song, not the entire content item. Nothing in Figure 3a of Loomis shows an initial portion being synchronized with an entire content item.

Furthermore, the figures of Loomis clearly show the transition occurring at the end of the initial portion, not before. Figures 2a, 2c and 3a of Loomis clearly show the transition. Also cited in the Office Action is Paragraph 7 of Loomis. However, Paragraph 7 does not teach that the transition occurs before the end of the initial portion. The assumption that the transition in Loomis must occur before the end of the initial portion for the transition to be seamless is improper. If the transition occurs at the end of the initial portion, then the transition could be seamless as well. Figure 3a actually provides an example of the transition occurring at the end of the initial portion at  $t_1$ . Figure 2c and paragraph 43, explicitly show and say that, “after the initial buffering time 210, the first song S\_1 starts playing at the time  $t_1$ .” (Emphasis added) [Loomis, ¶ 43] Loomis never teaches transitioning from an initial portion to the entire content item before the initial portion ends. As described herein, Loomis teaches transitioning when the pre-buffered portion ends, not before.

In contrast to the teachings of Loomis, the presently claimed invention is directed to methods and apparatuses for streaming content. The content is presented such that a delay time between requesting the content and utilizing the content is minimized. The identity of the user is detected and a preference is identified corresponding to the user. A content item is then selected based on the preference and an initial portion of the content is pre-fetched and stored in a

temporary storage cache 330. When a request is received for the content item, the initial portion is streamed from the temporary storage cache 330 to a stream synchronizer 340. The stream synchronizer 340 outputs the received streaming initial portion as a resultant stream. While the resultant stream is output, the stream synchronizer 340 receives a second streaming input from a stream buffer 335, the second streaming input is the entire requested content item [Present Specification, page 21, lines 14-19]. The stream synchronizer 340 synchronizes the streaming initial portion received from the temporary storage cache 330 and the streaming entire content item received from the stream buffer 335 [Present Specification, page 21, lines 12-13]. The resultant stream output from the stream synchronizer 340 is seamlessly transitioned from the streaming initial portion to the streaming entire content item [Present Specification, page 21, line 19 to page 20, line 8]. As described above, Loomis teaches pre-buffering a first portion of a song in a buffer 211 and subsequently streaming a remaining portion of the song to the same buffer, where the remaining portion is added to the pre-buffered portion in the buffer when the song is played. Loomis does not teach pre-fetching an initial portion of a content item, subsequently streaming the entire content item, and transitioning from streaming of the pre-fetched portion to streaming the entire content item. (see at least Claim 27 for pre-fetching) Still further, Loomis does not teach a stream synchronizer that receives a first data stream comprising the pre-buffered portion of the content item and a second data stream comprising the entire content item. Loomis also fails to teach a stream synchronizer that synchronizes the data streams, and transitions an output resultant stream from the pre-fetched portion of the song to the entire song. Additionally, Loomis does not teach seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item before the initial portion ends.

2. The claims distinguish over Loomis.

The claims are grouped separately below to indicate that they do not stand or fall together.

a. Claims 1-10

The independent Claim 1 is directed to a method comprising identifying a preference, selecting a content item based on the preference, storing an initial portion of the content item in a

temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream using the initial portion of the content item and seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item. As described above, Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item. For at least these reasons, the independent Claim 1 is allowable over the teachings of Loomis.

Claims 2-10 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Loomis. Accordingly, the Claims 2-10 are all also allowable as being dependent upon an allowable base claim.

b. Claim 11

The independent Claim 11 is directed to a system comprising means for identifying a preference, means for selecting a content item based on the preference, means for storing an initial portion of the content item in a temporary storage cache, means for receiving a request for the content item, means for streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, means for producing a resultant stream using the initial portion of the content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item. As described above, Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item. For at least these reasons, the independent Claim 11 is allowable over the teachings of Loomis.

c. Claims 12-18

The independent Claim 12 is directed to a method comprising storing an initial portion of a selected content item in a temporary storage cache, streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, simultaneously loading an entire selected content item to the stream synchronizer while streaming the initial portion, producing a resultant stream comprising the initial portion of the selected content item and seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item. As described above, Loomis does not teach seamlessly transitioning from an

initial portion of a content item to the entire content item. For at least these reasons, the independent Claim 12 is allowable over the teachings of Loomis.

Claims 13-18 are all dependent upon the independent Claim 12. As discussed above, the independent Claim 12 is allowable over the teachings of Loomis. Accordingly, the Claims 13-18 are all also allowable as being dependent upon an allowable base claim.

d. Claim 19

The independent Claim 19 is directed to a system comprising means for storing an initial portion of a selected content item in a temporary storage cache, means for streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer, means for simultaneously loading an entire selected content item to the stream synchronizer while streaming the initial portion, means for producing a resultant stream comprising the initial portion of the selected content item and means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item. As described above, Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item. For at least these reasons, the independent Claim 19 is allowable over the teachings of Loomis.

e. Claims 20-26

The independent Claim 20 is directed to a system comprising a media server configured for storing an entire content, a client device configured for storing an initial portion of the content wherein the client device is configured to display the content by streaming a resultant stream from the initial portion of the content while simultaneously receiving the entire content and seamlessly substituting the entire content for the initial portion using a stream synchronizer. As described above, Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item. For at least these reasons, the independent Claim 20 is allowable over the teachings of Loomis.

Claims 21-26 are all dependent upon the independent Claim 20. As discussed above, the independent Claim 20 is allowable over the teachings of Loomis. Accordingly, the Claims 21-26 are all also allowable as being dependent upon an allowable base claim.

f. Claim 27

The independent Claim 27 is directed to a method comprising identifying a user, identifying a preference, generating a content list using the preference and the user, selecting a content item from the content list based on the preference, wherein the content item is a data file having a defined beginning point and ending point, prefetching an initial portion of the content item, storing the initial portion of the content item in a temporary storage cache, receiving a request for the content item, streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request, producing a resultant stream output from the stream synchronizer using the initial portion of the content item, streaming an entire content item to the stream synchronizer via a stream buffer while the initial portion of the content item is streaming to the stream synchronizer from the temporary storage cache, synchronizing the streaming initial portion of the content item and the streaming entire content item within the stream synchronizer, and seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item before the initial portion ends. As described above, Loomis does not teach seamlessly transitioning from an initial portion of a content item to the entire content item. Also, Loomis does not teach a stream synchronizer that receives a first data stream comprising the initial portion of the content item and a second data stream comprising the entire content item. Further, Loomis does not teach a stream synchronizer that synchronizes the two received data streams and seamlessly transitions from the first data stream to the second data stream. Additionally, Loomis does not teach seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item before the initial portion ends. For at least these reasons, the independent Claim 27 is allowable over the teachings of Loomis.

3. CONCLUSION

For the above reasons, it is respectfully submitted that the Claims 1-27 are allowable over the cited prior art references. Therefore, a favorable indication is respectfully requested.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: June 27, 2011 \_\_\_\_\_

By: /Jonathan O. Owens/ \_\_\_\_\_  
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**VIII. CLAIMS APPENDIX**

This appendix includes a list of the claims under appeal.

1. A method comprising:  
identifying a preference;  
selecting a content item based on the preference;  
storing an initial portion of the content item in a temporary storage cache;  
receiving a request for the content item;  
streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request;  
producing a resultant stream using the initial portion of the content item; and  
seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item.
2. The method according to claim 1, wherein the preference is associated with a user.
3. The method according to claim 1, wherein the preference includes a playlist.
4. The method according to claim 1, wherein the resultant stream mirrors the entire content.
5. The method according to claim 1, further comprising identifying a user associated with the preference.
6. The method according to claim 1, wherein the content includes one of a document, an image, audio data, and video data.
7. The method according to claim 1, further comprising transmitting the entire content to a stream buffer in response to the request.
8. The method according to claim 7, wherein the transmitting the entire content occurs simultaneously with streaming the initial portion.

9. The method according to claim 1, wherein the seamlessly transitioning occurs in real-time.
10. The method according to claim 1, further comprising presenting the resultant stream beginning with the initial portion and subsequently followed by a portion of the entire content.
11. A system comprising:  
means for identifying a preference;  
means for selecting a content item based on the preference;  
means for storing an initial portion of the content item in a temporary storage cache;  
means for receiving a request for the content item;  
means for streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request;  
means for producing a resultant stream using the initial portion of the content item; and  
means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item.
12. A method comprising:  
storing an initial portion of a selected content item in a temporary storage cache;  
streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer;  
simultaneously loading an entire selected content item to the stream synchronizer while streaming the initial portion;  
producing a resultant stream comprising the initial portion of the selected content item;  
and  
seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item.
13. The method according to claim 12, further comprising identifying a preference.
14. The method according to claim 13, wherein the content is selected from a plurality of content in response, in part, to the preference.



15. The method according to claim 12, wherein the transitioning occurs in real-time.
16. The method according to claim 12, further comprising requesting the content.
17. The method according to claim 12, wherein the content includes one of a document, an image, audio data, and video data.
18. The method according to claim 12, further comprising displaying the resultant stream.
19. A system comprising:
  - means for storing an initial portion of a selected content item in a temporary storage cache;
  - means for streaming the initial portion of the selected content item from the temporary storage cache to a stream synchronizer;
  - means for simultaneously loading an entire selected content item to the stream synchronizer while streaming the initial portion;
  - means for producing a resultant stream comprising the initial portion of the selected content item; and
  - means for seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item.
20. A system comprising:
  - a media server configured for storing an entire content;
  - a client device configured for storing an initial portion of the content wherein the client device is configured to display the content by streaming a resultant stream from the initial portion of the content while simultaneously receiving the entire content and seamlessly substituting the entire content for the initial portion using a stream synchronizer.
21. The system according to claim 20, wherein the client device is configured to store the initial portion of the content prior to a request for the content.
22. The system according to claim 20, wherein the client device is configured to receive the entire content subsequent to a request for the content.

23. The system according to claim 20, wherein the client device further comprises a preference data module configured for storing information relating to the content.
24. The system according to claim 20, wherein the client device further comprises a temporary storage cache configured for storing the initial portion of the content.
25. The system according to claim 20, wherein the client device further comprises a stream buffer configured for receiving the entire content.
26. The system according to claim 20, wherein the content includes one of a document, an image, audio data, and video data.
27. A method comprising:
  - identifying a user;
  - identifying a preference;
  - generating a content list using the preference and the user;
  - selecting a content item from the content list based on the preference, wherein the content item is a data file having a defined beginning point and ending point;
  - prefetching an initial portion of the content item;
  - storing the initial portion of the content item in a temporary storage cache;
  - receiving a request for the content item;
  - streaming the initial portion of the content item from the temporary storage cache to a stream synchronizer in response to the request;
  - producing a resultant stream output from the stream synchronizer using the initial portion of the content item;
  - streaming an entire content item to the stream synchronizer via a stream buffer while the initial portion of the content item is streaming to the stream synchronizer from the temporary storage cache;
  - synchronizing the streaming initial portion of the content item and the streaming entire content item within the stream synchronizer; and
  - seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item before the initial portion ends.

**IX. EVIDENCE APPENDIX**

**STATEMENT**

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), the following is a statement setting forth where in the record the evidence of this appendix was entered by the examiner:

<b>Evidence Description:</b>	<b>Where Entered:</b>
U.S. Pat. Publ. No. 2006/0155400	Office Action mailed April 29, 2009
Office Action February 2, 2011	Examiner Office Action
Advisory Action May 31, 2011	Examiner Advisory Action

**X. RELATED PROCEEDINGS APPENDIX**

There are no related proceedings.